



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, UT 84116-3156
801-538-7240
801-538-7467 (Fax)

March 24, 1994

MR DON RAY CHRISTENSEN
FRANDSEN MCARTHUR DITCH CO.
291 N 100 E
MORONI, UT 84713

Dear Mr CHRISTENSEN:

Re: Measuring Devices

At the January 20, 1994 annual water users meeting of the Upper San Pitch Distribution System, the river commissioner indicated he was unable to properly determine the flows into the Frandsen McArthur Ditch located in Section 27, T14S R4E, SLB&M because the measuring device structure was out of level.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

"Every person using water in this state shall construct or **install and maintain** a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. ...If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such head gates, caps, valves, flumes or measuring devices after thirty days' notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement."

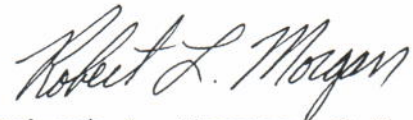
Therefore, you are hereby notified that the Frandsen McArthur ditch measuring device is to be leveled and working properly prior to **April 30, 1994** so accurate and reliable measurements can be obtained. This diversion will be inspected for compliance and if not in compliance it will be tagged by the River Commissioner. The tag will represent an order to cease the use of water. The State Engineer will then direct the Commissioner to close the diversion or proceed to take legal action through a court order requiring that the diversion be closed until such time as the measuring device is working properly. This letter commences informal adjudicative proceedings to be conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.

FRANDSEN MCARTHUR DITCH CO.

March 24, 1994
Page 2 of 2.





Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice please contact Kirk Forbush at 896-4429 or Lee Sim at 538-7380.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM:GA

cc:  Lee Sim
 Kirk Forbush
 John Mabey, Asst. Attorney General
 Larry Rowlings, Commissioner